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**BEFORE THE
PHYSICAL THERAPY BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 1D 2007 65651

RAFAT SHIRINZADEH, P.T.
4616 W. Wernett
Pasco, WA 99301

A C C U S A T I O N

Physical Therapist License No. PT 23416

Respondent.

Complainant alleges:

PARTIES

1. Steven K. Hartzell (Complainant) brings this Accusation solely in his official capacity as the Executive Officer of the Physical Therapy Board of California ("Board").
2. On or about August 14, 1998, the Board issued Physical Therapist License Number PT 23416 to Rafat Shirinzadeh, P.T. (Respondent). The license was in full force and effect at all times relevant to the charges and allegations contained herein and will expire unless renewed on February 29, 2008.

JURISDICTION

3. This Accusation is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

1 4. Section 2660 of the Code states in relevant part:

2 The board may, after the conduct of appropriate proceedings under the
3 Administrative Procedure Act, suspend for not more than 12 months, or revoke, or impose
4 probationary conditions upon any license, certificate, or approval issued under this chapter for
5 unprofessional conduct that includes, but is not limited to, one or any combination of the
6 following causes:

7 (h) Gross negligence in his or her practice as a physical therapist or
8 physical therapy assistant.

9 (i) Conviction of a violation of any of the provisions of this chapter or of
10 the State Medical Practice Act, or violating, or attempting to violate, directly or
11 indirectly, or assisting in or abetting the violating of, or conspiring to violate any
12 provision or term of this chapter or of the State Medical Practice Act.

13 (n) The commission of verbal abuse or sexual harassment.

14 5. Section 726 of the Code states in relevant part:

15 “The commission of any act of sexual abuse, misconduct, or relations with a patient,
16 client, or customer constitutes unprofessional conduct and grounds for disciplinary action for any
17 person licensed under this division, under any initiative act referred to in this division and under
18 Chapter 17 (commencing with Section 9000) of Division 3.. .”.

19 6. Section 2661.5 of the Code states:

20 (a) In any order issued in resolution of a disciplinary proceeding before
21 the board, the board may request the administrative law judge to direct any
22 licensee found guilty of unprofessional conduct to pay to the board a sum not to
23 exceed the actual and reasonable costs of the investigation and prosecution of the
24 case.

25 (b) The costs to be assessed shall be fixed by the administrative law judge
26 and shall not in any event be increased by the board. When the board does not
27 adopt a proposed decision and remands the case to an administrative law judge,
28 the administrative law judge shall not increase the amount of the assessed costs

1 specified in the proposed decision.

2 (c) When the payment directed in an order for payment of costs is not
3 made by the licensee, the board may enforce the order of payment by bringing an
4 action in any appropriate court. This right of enforcement shall be in addition to
5 any other rights the board may have as to any licensee directed to pay costs.

6 (d) In any judicial action for the recovery of costs, proof of the board's
7 decision shall be conclusive proof of the validity of the order of payment and the
8 terms for payment.

9 (e) (1) Except as provided in paragraph (2), the board shall not renew or
10 reinstate the license or approval of any person who has failed to pay all of the
11 costs ordered under this section.

12 (2) Notwithstanding paragraph (1), the board may, in its discretion,
13 conditionally renew or reinstate for a maximum of one year the license or
14 approval of any person who demonstrates financial hardship and who enters into a
15 formal agreement with the board to reimburse the board within that one year
16 period for those unpaid costs.

17 (f) All costs recovered under this section shall be deposited in the
18 Physical Therapy Fund as a reimbursement in either the fiscal year in which the
19 costs are actually recovered or the previous fiscal year, as the board may direct.

20 7. Section 141 of the Code states:

21 “(a) For any licensee holding a license issued by a board under the jurisdiction of the
22 department, a disciplinary action taken by another state, by any agency of the federal government,
23 or by another country for any act substantially related to the practice regulated by the California
24 license, may be a ground for disciplinary action by the respective state licensing board. A
25 certified copy of the record of the disciplinary action taken against the licensee by another state,
26 an agency of the federal government, or another country shall be conclusive evidence of the
27 events related therein.

28 “(b) Nothing in this section shall preclude a board from applying a specific statutory

1 provision in the licensing act administered by that board that provides for discipline based upon a
2 disciplinary action taken against the licensee by another state, an agency of the federal
3 government, or another country.”

4 CAUSE FOR DISCIPLINE
5 (Out-Of-State Discipline)

6 [Bus. & Prof. Code Sections 141(a), 726 and 2660]

7 8. Respondent is subject to disciplinary action under sections 141(a), 726 and
8 2660 of the Code in that respondent has been made a subject of discipline and suspended from
9 the practice of Physical Therapy by the State of Washington, based on findings of sexual
10 misconduct, including moral turpitude and sexual acts with multiple patients or clients, and
11 negligence or malpractice with respect to multiple patients or clients. The circumstances are as
12 follows:

13 9. On or about October 26, 2007, the State of Washington, Department of
14 Health, Board of Physical Therapy, in Docket No. 06-10-A-1104PT, issued Findings of Fact,
15 Conclusions of Law, and a Final Order, finding respondent, Rafat Shirinzadeh, Credencial No.
16 PT00007740, guilty of unprofessional conduct, and suspending his Physical Therapist license for
17 a period of 36 months with no right to apply for early reinstatement. The action of the
18 Washington State board was based on clear and convincing evidence presented in a hearing
19 conducted August 27th through 30, 2007, that respondent engaged in sexual misconduct, acts of
20 moral turpitude, negligence or malpractice, and failure to keep adequate records, with respect to
21 seven female patients identified as patients “B”, “C”, “D”, “E”, “F”, “G” and “H”, in violation of
22 Washington State Statutes governing the conduct and activities of licensed Physical Therapists in
23 that state [RCW 18.130.180(1), (4), (7) and (24) (Unprofessional Conduct) and WAC 246-915-
24 182(1) (Unprofessional Conduct–Sexual Misconduct) and WAC 246-915-200 (Physical Therapy
25 Records)]. A certified copy of the above referenced FINDINGS OF FACT, CONCLUSIONS OF
26 LAW AND FINAL ORDER, of the State of Washington, Department of Health, Board of
27 Physical Therapy in Docket No. 06-10-A-1104PT is attached as “Exhibit A” and incorporated
28 herein by reference.

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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board issue a decision:

1. Revoking or suspending Physical Therapist License Number PT 23416, issued to Rafat Shirinzadeh, P.T.
2. Ordering Rafat Shirinzadeh, P.T. to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 2661.3;
3. Taking such other and further action as deemed necessary and proper.

DATED: January 18, 2008

Original Signed By: _____
Steven K. Hartzell
Executive Officer
Physical Therapy Board of California
State of California
Complainant